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AN ESSAY ON TOLERATION.

[Price One Shilling and Six-pence.]

AN ESSAY ON TOLERATION:

With a particular View to

THE LATE APPLICATION OF

The Proteſtant Diſſenting Miniſters TO

PARLIAMENT,

FOR

Amending, and rendering Effectual, the Act of the firſt of WILLIAM and MARY, commonly called the ACT OF TOLERATION.

By PHILIP FURNEAUX, D.D.

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BRITISH MUSEUM

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TO

THE RIGHT HONOURABLE

WILLIAM LORD MANSFIELD,

LORD CHIEF JUSTICE of ENGLAND,

And one of His Majeſty's Moſt Honourable

PRIVY COUNCIL.

MY LORD,

IF the Author of the following Eſſay were conſcious of being engaged in the ſupport of any cauſe, of which he had reaſon to be diffident; Your Lordſhip is the laſt perſon, to whoſe judgment he would ſubmit his defence of it. For your Lordſhip's penetration will eaſily detect every ſophiſtry in the argument;

every weakneſs, if there be any, in the cauſe. At the ſame time, he is ſure Your Lordſhip's equity will not permit this, or any, cauſe to ſuffer, on account of defects in the manner of pleading it. Confident of this, he begs leave to lay his ſentiments before Your Lordſhip, with that profound reſpect and deference, with which he is, and ought to be,

My Lord,

Your Lordship's

moſt obliged, moſt obedient,

and moſt devoted Servant,

Philip Furneaux.

THE PREFACE.

SOME very excellent tracts, upon occaſion of the Proteſtant Diſſenting Miniſters late application to Parliament, were publiſhed a conſiderable time ſince by my worthy friends, Mr. Mauduit, the Doctors Kippis and Stennett, and the Author of the Enquiry into the Principles of Toleration; who, though an anonymous writer, is known to be a Diſſenting Miniſter in the country. The Author of the following Eſſay, perceiving the ſubject to have been ſo well diſcuſſed by thoſe ingenious Gentlemen, remained ſome time in doubt, whether he ſhould proſecute a deſign, which he had early formed, of communicating to the world his ſentiments upon this occaſion. The reaſons, which at laſt determined him,

are of too little conſequence, to deſerve the notice of the Public. What he now ventures to ſend abroad, is only part of what he deſigned; the reſt may, poſſibly, ſoon follow.

Not to enter, at preſent, into a full conſideration of the penalties, to which the Diſſenting Miniſters, who have not ſubſcribed according to the Toleration Act, are liable; let it be only obſerved: That by 22 Car. II. c. i. entitled, "An Act to prevent and ſuppreſs ſeditious Conventicles," every ſuch Diſſenting Miniſter, is liable to a penalty of twenty pounds, the firſt time he is convicted of preaching; and forty pounds, every time he is convicted of repeating the ſaid offence. And what is, in my opinion, as ſhocking to every idea of juſtice and humanity, as even the penalty itſelf, is the ſummary and arbitrary method of conviction. Upon the oath of two witneſſes, made before any one or more juſtices of the peace, of ſuch a perſon's having preached; the juſtice is by law required to record the oath,

oath; and that record is, *ipso facto*, the conviction of this ſuppoſed offender. And, the penalty is to be levied by diſtreſs, and ſale of his goods and chattels; or in caſe he flies, or is, in the opinion of the Magiſtrate, poor, then it is to be levied on the congregation: and the informer, or informers are to be rewarded with a third part of it.

Thus are the Diſſenting Miniſters, who ſcruple ſubſcription, and accordingly have not the legal benefit of the Toleration Act, left at the mercy of any perſons whatſoever; who, moved either by malice or intereſt, will make a depoſition upon oath, of what they may very eaſily know, by only going to diſſenting places of worſhip; which are, and muſt be, open and acceſſible to all.

It is natural to deſire, it is natural even to repeat a deſire of, being delivered from ſuch a ſtate of inſecurity, and placed upon the ſame footing of legal protection, with all other good ſubjects. Yet it is, I find, induſtriouſly reported, that renewing our

application to Parliament for this purpoſe, during the preſent ſeſſion, will be conſidered as obſtinacy, and an inſult on thoſe who rejected it before. It ſhould, I think, rather be regarded, as only a renewed appeal to their candor; as a deſire only of their reconſidering what may perhaps appear to them, at leaſt as to ſome obnoxious circumſtances, in a different light, from what it did when it was firſt propoſed: and indeed, ſhould an application be again made, it will be found, in ſome reſpects, to be really different; though the principal object of it, procuring exemption from the penal laws conſiſtently with our own principles, be ſtill the ſame. For it is an object of ſuch a nature, that, having been once moved, it cannot be given up, without great reluctance, by thoſe who are immediately concerned in it; or by thoſe, I ſhould think, who conſider the honour, which the granting of it would reflect on the moderation of the times. I cannot therefore, believe, that any Chriſtian Biſhops are capable of con-

ſidering an application of this nature, whenever it is made, in the light in which this is ſaid to be conſidered.

They have not ſurely any deſire of continuing the Diſſenting Miniſters under the penalties of thoſe laws; they only aim, perhaps, at bringing them to comply with the terms of relief, which they think reaſonable; if not with the preſent ſubſcription, yet with ſubſcription to ſome other ſet of explanatory articles. But it ſhould be conſidered, that demanding ſubſcription to any explanatory articles will certainly, whatever they may imagine, be the means of ſtill keeping the Diſſenting Miniſters under the penalties of thoſe laws; becauſe it is their principle, not a principle politically adopted as a medium of union among themſelves, but a principle of judgment and conſcience: I ſay, it is their principle, that it is not conſiſtent with the regard due to the authority of Chriſt, by which alone they acknowledge themſelves to be bound in matters of religion, to ſubſcribe

any

any human explications of ſcripture, as a condition of religious liberty. A principle this, entertained by the Engliſh Diſſenters of all denominations and ſenments, even by the ſtricteſt Calviniſts: a principle, which, having been gradually received among them upon conviction, hath for ſeveral years prevailed as univerſally, among both miniſters and people, as perhaps any principle ever did among any body of men, of equal number.

But you will ſay, it is a wrong principle. It may be ſo, in your opinion: it is not ſo in theirs. And, I think, it is eaſy to ſhew, that it is eſſential to the true ſpirit of Toleration, and a right thing both in reaſon and policy; inſtead of endeavouring to force men to come as near as poſſible to any public ſtandard; to take them upon their own principles, and in their own way, and conſider only, how far you can tolerate them with ſafety to the ſtate.

The author hath elſewhere declared, that he is not fond of controverſy; and

it

it will not be eaſy to engage him in it, unleſs where he thinks, ſome important intereſts of mankind are in queſtion. It is often carried on in a manner, not very becoming either the Chriſtian, or the Gentleman; and very difficult it is, in the courſe of it, to be under ſuch perfect ſelf-command, as to have no ground of uneaſineſs, upon reflection. When the debate ſtoops to trifling circumſtances, or to things perſonal, no ingenuous mind can purſue it with any pleaſure to itſelf; certainly, not with any pleaſure, or advantage, to others. If, on one ſide, it be conducted with heat and animoſity; it will be apt to kindle on the other at leaſt an equal, if not a fiercer, flame. And, though this is diſagreeable enough; yet, there is another ſort of controverſial writing, which, the Author freely confeſſes, would try his patience more: namely, That, in which there is artifice without argument, and complaiſance without candor.

CON-

ERRATA.

Page 31. l. 14. for ? put a full-point.

Page 51. l. 15, 16. for *cordiatiores* read *cordatiores*.

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AN

AN

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TOLERATION.

THE reaſoning of that great man Mr. Locke in defence of Toleration, in his celebrated Letters on that ſubject, muſt, I think, to every attentive mind, carry irreſiſtible conviction. And the ſame doctrine, which he lays down, hath been ſince illuſtrated to great advantage, and inforced with much perſpicuity, and ſtrength of argument, by ſeveral of our ableſt and moſt ingenious writers. In conſequence of this, the doctrine of Toleration, which cannot but appear conſonant to reaſon as well as agreeable to humanity, when thus freed from the miſt of prejudice, and ſet

in a juſt light; hath for many years been making continual progreſs, and is at this time generally received among us. Inſomuch, that when the conduct of individuals, and eſpecially of public bodies, is plainly ſeen to be inconſiſtent with the principles of Toleration and religious liberty, it excites no ſmall degree of ſurprize. When I reflect, therefore, on the enlarged and liberal ſentiments, expreſſed in many of the excellent writings with which this country hath been long diſtinguiſhed, from the pens of gentlemen of the firſt character among the clergy, as well as the laity; I own, I am at ſome loſs to account for the unhappy fate of a late bill for the improvement of the Act of Toleration; which having paſſed the Houſe of Commons the laſt Seſſion of Parliament, was on the ſecond reading rejected by the Houſe of Lords. If the loſs of this bill is to be imputed to an averſion, or to an indifference, to the doctrine of Toleration in general; I have very much miſtaken,

miſtaken, hitherto, the principles and characters of many of the firſt perſons in this kingdom. But this, I am perſuaded, was not the ground of our diſappointment; I rather think it was, an inattention to the nature of the grievance complained of, which was too eaſily preſumed to be of little importance; or, perhaps, a miſapprehenſion of the numbers, principles and motives of thoſe who ſolicited the removal of it; or elſe, a ſuppoſition of ſome very bad conſequences, likely to ariſe from the grant of their requeſt.

I the rather conclude, that the loſs of the bill is to be attributed to the cauſes which I have now mentioned; becauſe the objections, which are made to it by the Author of the Letter to the Proteſtant Diſſenting Miniſters, who ſpeaks every where with a tone of authority, as if he choſe to be conſidered as declaring the ſenſe of his ſuperiors, appear chiefly, if not wholly, to proceed from thoſe cauſes.

The Author I have juſt referred to, would not be thought, by any means, to be an enemy to Toleration; yet he plainly diſcovers, in my opinion, that his ideas on the ſubject are very contracted; or elſe, that in the heat of ſupporting a favourite point, the propriety of rejecting the Diſſenters bill, he hath advanced ſuch principles, as, in his cooler judgment, he would hardly chooſe to maintain. Particularly, having remarked, that the caſe of the Diſſenting Miniſters, as ſtated in the bill, is not a caſe of diſcipline, but of doctrine; he ſuggeſts, that it was not the deſign of the Legiſlature at the Revolution to tolerate, and he appears to be of opinion (or elſe there is no pertinence in the obſervation) that the Legiſlature now ought not to tolerate, a difference in doctrines; in thoſe at leaſt, which are eſteemed fundamental to Chriſtianity and Proteſtantiſm: ſo eſteemed by the Church, I ſuppoſe

ſuppoſe he means, or by the State. * He ſhould, however, have conſidered, that, if the ſentiments of the Church, or the State, ought in any one country to be the meaſure of Toleration, they ought, by parity of reaſon, to be ſo in all; and upon this principle, there can be no toleration of Proteſtantiſm in a Popiſh, or of Chriſtianity in a Heathen country.

But not to enlarge on this: for I mention the Gentleman's ſentiments in this place, only to ſhew, that, though he would by no means be eſteemed averſe to toleration; he, nevertheleſs, does not allow it its juſt latitude; and for this reaſon, as well as for ſome others, which will hereafter be conſidered, he ſeems

* P. 8. *et ſeq.* "I gather," ſaith he, "from the "known opinions of Churchmen and Diſſenters at "the time of the Revolution, that the State did not "mean to tolerate, and that your Predeceſſors did "not deſire toleration of, Teachers of opinions, "contrary to the ſuppoſed fundamental doctrines of "the Chriſtian Church, of which all Proteſtants are "Members."

ſcarcely willing to admit ſome of us to be within the true line of toleration. He indeed expreſsly tells us, that when our affair came under the cognizance of the Legiſlature, "the general principles "of toleration were urged, and ſtrongly * "miſapplied, (as his phraſe is) in our "favour; for you yourſelves," ſaith he, "acknowledge, in your printed caſe, "the ſafety of the State to be the li-"mit of toleration." p. 18. An obſervation this, which ſhews, that, in his opinion, the ſafety of the State required the rejection of our bill; and therefore, that the object of it was confeſſedly beyond the limit of toleration. A ſentiment, which can be founded only, in my judgment, upon a total miſconception of that object, of the views of thoſe who ſolicited it, and of the conſequences of granting it: as I hope to demonſtrate.

In order to this, I ſhall not enter ſo largely, as Mr. Locke and other writers

* Perhaps, an error of the preſs for, ſtrangely.

have done, into the general argument for toleration; but ſhall rather, after having ſtated and briefly conſidered that argument, content myſelf with making ſuch remarks, as are calculated to ſhew, that the caſe of the Diſſenting Miniſters is within the reaſon and ground of it. And if I do this, every reader will perceive, that no judicious friend of religious liberty can conſiſtently oppoſe our obtaining that legal ſecurity, which is the ſole object of our application to Parliament.

SECT. I.

An Argument for Toleration, from the nature of Religion.

A Learned and noble Lord, one of the firſt characters in this kingdom, delivered in an auguſt Aſſembly, on a particular occaſion, among other liberal and enlarged ſentiments, an incomparable maxim, which contains the ſum of all that can be ſaid on the head of religious liberty: "Conſcience," ſaith he, "is not "controulable by human laws, nor ame- "nable to human tribunals." *

* See Lord Mansfield's ſpeech in the Houſe of Lords, in the Sheriffs caſe; in the Appendix to the Letters to the Honourable Mr. Juſtice Blackſtone, p. 277. "Perſecution," ſaith the noble Lord, in the words immediately following that excellent aphoriſm which I have cited above, "Perſecution, "or attempts to force conſcience, will never produce "conviction; and are only calculated to make hy- "pocrites, or martyrs."

Now

Now religion is a concern between God and a man's own conſcience; a concern therefore, for the right conception and conduct of which he is alone accountable to God. Religion conſequently, eſpecially a particular mode of religion, ought not to be impoſed and injoined by human authority; that is, by temporal penalties, which are the only means in the Magiſtrate's power, to inforce obedience to his laws.

This point, I think, will appear very plain, if we only attend to the nature of religion, as ariſing from inward conviction, which penal laws cannot produce; and as founded, not upon human, but ſolely upon divine authority, which every man is bound implicitly to obey, without regard to any human authority whatſoever. In ſhort, to ſecure the favour of God, and the rewards of true religion, we muſt follow our own conſciences and judgments, according to the beſt light we can obtain; not the judgment of the Magiſtrate; not the judgments

ments of any other men, of whatever character, civil or eccleſiaſtical, when they are different from, or contrary to, our own. Whenſoever the Magiſtrate, therefore, preſumes to inforce any particular ſyſtem or mode of religion by penal laws, under pretence of promoting true religion, or the profeſſion of what he ſuppoſes to be true religion; he doth that, which tends to weaken at leaſt, if not entirely to deſtroy, the genuine principle of all true religion; I mean, obedience to the authority of God.

For, in this caſe, a man, who differs from the Magiſtrate, muſt either violate his own conſcience, or diſobey his injunctions, and incur the penalty: he hath no other alternative. Thus there is a plain inconſiſtency between the divine authority and the Magiſtrate's duty, provided it be his duty to coerce and controul the religion of his ſubjects by penal laws. On ſuppoſition, that a right of doing this belongs to the Magiſtrate, there

there muſt be a correſpondent obligation to obedience in his ſubjects; a right in him implying a duty in them. But can it be their duty to obey him, when they apprehend the divine authority obliges them to the contrary? Or do we think it poſſible for them, in ſuch a caſe, to yield obedience both to the Magiſtrate, and to God? Or if this be not poſſible, can it be the duty of the Magiſtrate to puniſh them, for doing that which they muſt incur the divine diſpleaſure for not doing? It is then, I think, very plain, that penal laws inforcing any particular ſyſtem or mode of religion, are calculated to eradicate, as I ſaid, out of the minds of men the only genuine principle of religion, a regard to the divine authority.

Further, ſuppoſing we are induced, either through the enduring, or the fear of the penalty, to obey ſuch laws contrary to our own ideas of truth and duty; can this be called religion? It is really hypocriſy, produced by a criminal puſillanimity in him who complies, and by a more

more criminal ſpirit of intolerance and perſecution in him who, by penal laws, exacts the compliance. Surely ſuch a compliance cannot in any view be ſtiled religion; as he will eaſily perceive, who conſiders, that it is eſſential to religion to be grounded on perſonal faith and real perſuaſion. That every man, therefore, ſhould in ſuch caſes, without the controul of others, judge and act for himſelf, is a right belonging to him as a rational and moral agent, accountable to God alone for his religious ſentiments and conduct.

And from his being thus accountable to God alone, it follows, that as his judging and acting for himſelf in matters of religion is, with reſpect to his fellow men, a right which he holds independent of them; ſo, with reſpect to God, it is a duty which he owes to him: a duty, which he is bound to diſcharge, notwithſtanding every attempt to induce him to profeſs opinions, which he doth not believe; or adopt practices, which he

doth

doth not approve or acknowledge any authority, or any law, in the mere concerns of religion, except the divine authority, and the divine law.

Abſolute liberty, therefore, in the affair of religion, belongs to us, as reaſonable creatures, dependent on, and ſubject to, the univerſal Sovereign and Judge. It is a right eſſential to our nature: whatſoever other rights, therefore, we are ſuppoſed to reſign on entering into ſociety, this we cannot reſign; we cannot do it, if we would; and ought not, if we could.

For, though we may be ſecured as to our lives and limbs and temporal poſſeſſions, by the power of the community, better than by the mere exertion of our own perſonal ability; and though we beſt ſecure, therefore, the end of our right of ſelf-preſervation, by veſting the exerciſe of it, in all ordinary caſes, and wherever the power of the Magiſtrate and of the Community can operate, in their hands; yet we beſt ſecure the end of religious liberty, and of the right of

private judgment, by keeping the exerciſe of *that* in our own; becauſe, though we may be ſafe by the power of others, we cannot be religious by the conſciences of others; ſince religion conſiſts in following our own inward conviction; and is wholly annihilated, when by human authority, or any worldly motives, we permit ourſelves to be led into ſuch principles, or practices, as are contrary to the dictates of our own conſciences.

Now this conviction, which lies at the foundation of all religion, it is not in the power of the Magiſtrate to produce, by an exertion of authority. For, when he hath enacted laws, with a view of promoting truth and ſuppreſſing error by his own authority, he can only inforce obedience to thoſe laws by temporal penalties; whereas error can be ſuppreſſed and truth promoted, only by argument, by perſuaſion, by firſt enlightening the underſtanding, and then gaining the affections; which neither the terror nor the infliction of temporal pe-

nalties, of fines, impriſonments, and corporal puniſhments, hath any tendency to effect. So that it is not in the nature of penal laws, the only weapons with which the Magiſtrate is armed, to enforce his decrees; it is not in the nature, I ſay, or power of penal laws to promote true faith, and true religion; they may indeed make men hypocrites, but they cannot make them believers, or good men.

It concerns, then, all thoſe who plead for the Magiſtrate's enacting penal laws in matters of religion, to return a ſerious anſwer to the following queries: Is the nature of civil government ſuch, that its exiſtence, or at leaſt its well being, depends upon its being, in any caſe, at variance with the regard due to the authority of God? Can it be the Magiſtrate's duty to enact ſuch laws, in order to inforce the profeſſion, or prevent the propagation of certain religious tenets, as even wiſe and good men may think themſelves in conſcience bound to diſobey? Is there ſuch a contrariety be-

tween

tween the claims of authority in the Magiſtrate, and the meaſures of obedience in the Subject, that it can ever be the duty of the one to impoſe, what it is the duty of the other to reſiſt? Surely, no judicious perſon will anſwer theſe queries in the affirmative; and yet ſuch the anſwer muſt be, if it be the Magiſtrate's province to provide for the ſupport of what he thinks to be true religion, by enacting penal laws to prevent the profeſſion or propagation of any contrary doctrine.

Beſides, on this ſuppoſition, the variance between the duty of the Magiſtrate, and of the ſubject, will be irreconcileable. For, while the former apprehends it is his duty to ſupport what he eſteems true religion by the infliction or terror of penal laws, and the latter thinks it his duty, with more reaſon in my opinion, to obey the dictates of his own conſcience in oppoſition to thoſe laws; there is, and muſt be, a perpetual conteſt between the governors and the governed. This in fact hath been attended,

tended, as all hiſtory will inform us, with the moſt pernicious conſequences to the Right honourable Gentleman's fortieth article, the peace of mankind.* Indeed, it is in the conteſt only, between impoſition and perſecution on the one hand, and ſtruggles for religious liberty on the other, that the paſſions of men of different religious perſuaſions are likely to be fired to ſuch a degree, and to receive ſuch a particular direction, as to menace danger to the ſtate. And it is not eaſy, I think hardly poſſible, to mention the period, or the country, in which religious diſputes have been, I do not ſay fatal, but in any great degree injurious, to the public ſafety, or the public tranquillity, where a juſt toleration hath been allowed by the Magiſtrate; and where, inſtead of enacting penal laws to ſuppreſs any particular religious party, he hath diſcharged the duty of his office, in obliging all of them to live in peace.

* See Letter to Diſſenting Miniſters, p. 26.

SECT. II.

An Argument for Toleration, from the origin, and the ends, of civil government.

HAVING in the preceding ſection ſtated and examined the argument for Toleration, as it ariſes from the nature of religion; I proceed now to conſider it, as it reſults from the origin, and the ends, of civil government.

If with Filmer, and others, who have aſſerted an abſolute power in the Magiſtrate, we ſuppoſe him to derive that power, not from the conſent of the people, but immediately from God; it follows, that the object of it muſt be determined by expreſs commiſſion from heaven. And, provided God hath not given the Magiſtrate directly or indirectly authority over the conſciences of men, hath not commiſſioned him to ſuppreſs religious errors, or prevent the ſpread of them, by the temporal ſword; whatever

elſe may be ſuppoſed to belong to his office, and to be the object of that abſolute power which he is preſumed to poſſeſs, there cannot be the leaſt reaſon to conclude, that matters of religion are comprehended therein. If we ſuppoſe ſuch a power in the concerns of religion given from heaven to Magiſtrates in general, then, the Roman Emperors were divinely authorized to exterminate the Chriſtian Religion. But ſhould it be ſaid, that this power is veſted ſolely in Chriſtian Princes, the only poſſible proof of this aſſertion is, the producing that clauſe in the great charter, or ſtatute-book of Chriſtianity, which aſſigns them this authority: and that I believe will not eaſily be done.

To ſay nothing more of this ill-grounded and exploded account of the origin of the Magiſtrate's authority: let us ſuppoſe, according to the more rational and more general opinion, that his power is derived from the community: the conſequence is, that it can only conſiſt

of that degree of power, which individuals, upon entering into ſociety, may be ſuppoſed to part with, and to veſt in him for the common ſecurity. But can there be any occaſion, or any inducement, for them to part with their right of judging and acting for themſelves in matters of religion, when it is no way requiſite to the common ſafety and intereſt, that they ſhould? Indeed, as I have already ſaid, they cannot do it if they were ſo inclined, it being inconſiſtent with their character as reaſonable beings, with the nature of religion, and with the allegiance which they owe to God, the Sovereign Lord of Conſcience; they neither can, nor ought to, reſign their religious rights into the hands of the Magiſtrate, nor to inveſt him with a power of dictating and controuling in ſuch caſes.

As the origin of civil government, then, does not inveſt the Magiſtrate with a power of this nature; ſo neither do the ends of his office authorize, or render it requiſite for, him to aſſume it. Men enter

enter into ſociety, for the preſervation of their natural rights: in order that the exerciſe of that right of ſelf-defence which every individual poſſeſſes, being veſted in the Magiſtrate, may by him be applied, as occaſion requires, for the common ſecurity; in a word, that the combined power of the community may be exerted in defence of every individual; by which means, in waving the perſonal exerciſe of the right of ſelf-preſervation, in all caſes where the power of the Magiſtrate is at hand, and the law can operate, he hath the united ſtrength of the community, inſtead of his own feeble efforts, for defending his perſon, poſſeſſions and rights, and for repelling and puniſhing injuries. So that he does not, in a ſtate of ſociety, and under civil government, in reality part with any of his original, primary rights; he only ſubmits to certain conditions and regulations, by which thoſe rights are in a more

effectual manner ſecured. * But with reſpect to religious liberty, he cannot give up the exerciſe of that, any more than the right itſelf; indeed the giving up the exerciſe is giving up the right, for the former is perſonal as well as the latter. The duty of the Magiſtrate, therefore, is not to exerciſe this right for him; but to protect him, in his exerciſe of it for himſelf.

The ends of civil government, then, are ſo far from requiring, that they are inconſiſtent with, the Magiſtrate's having a judicial, or dictatorial, power in matters of religion.

If, indeed, one man's following the dictates of his conſcience, and judging and acting for himſelf, in caſes of this nature; if his worſhipping God accord-

* See the diſtinction between primary and ſecondary, or conſequential rights, as applied to the preſent caſe, exceedingly well explained by the ingenious Author of that excellent Pamphlet, The Enquiry into the Principles of Toleration, p. 8. *et ſeq.* Printed for Buckland in Pater-noſter Row.

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ing to the beſt knowledge he can obtain of his will; if his attending upon thoſe religious inſtructions which ſeem to him moſt conſonant to reaſon and truth; if any, or all, of theſe were an injury to individuals, or endangered ſociety; ſomething plauſible, from the ends of civil government, might be alledged for reſtraining ſuch liberty. But how one man's enjoying his own religious liberty can injure that of others, I do not underſtand; unleſs indeed, inſtead of being contented with his own, he is bent on invading theirs, by impoſing his own ſentiments and modes of religion upon them. This, I own, would be an injury to others; but then it would be an injury, which the Magiſtrate ſhould prevent, or puniſh; becauſe he is to protect all his people, without exception, in their natural rights; never himſelf invading, nor ſuffering any others to invade them; never himſelf perſecuting, nor ſuffering any others to perſecute; his conduct, and his laws, alike reſpecting the religious liberty of all his ſubjects.

Thus, to maintain an impartial toleration is the duty of the Magiſtrate; and it is not only his duty, but it is good policy in him; for whatever ſuperficial obſervers may imagine, it is not the prevalence of a variety of religious ſentiments, where equal liberty is maintained; but it is a ſpirit of intolerance, it is the exiſtence of penal laws, it is oppreſſion and perſecution alone, which can render that variety of religious perſuaſions, dangerous to the Magiſtrate, and to the ſafety of the community.

Protection, then, in the free profeſſion and exerciſe of religion, every good ſubject hath a right to expect from the Magiſtrate: and he is a good ſubject, who acknowledges, and obeys, the government under which he lives, and contributes to its ſupport.

Wherever indeed, under pretence of religion, perſons ſet on foot ſeditious and treaſonable practices, or injure the community at large, or any individuals; the Magiſtrate is not to regard the plea of conſcience;

it being his duty to protect the whole community, and every individual; and, for that end, to ſupport his own authority. Indeed in every caſe, where the matter in queſtion interferes with no rights of others, nor with the ſupport of ſociety and civil government, the plea of conſcience ought to be eſteemed ſacred; for, then, no circumſtance attends ſuch a plea, which can properly ſubject it to the controul of the Magiſtrate.

SECT.

SECT. III.

Toleration ſhewn, not only to extend to the open profeſſion of every religion, conſiſtent with the ſafety of the ſtate; but to the giving, and receiving, public inſtruction in ſuch religion.

HAVING thus aſſerted every man's right of chooſing and profeſſing his own religion, I would enlarge particularly on this ſentiment, which deſerves attention the rather, becauſe it hath been ſometimes called in queſtion: namely, that it is an eſſential branch of Toleration, for a man to be permitted to avow, explain, and, if he be ſo inclined, ſupport by arguments, the religious ſentiments which he profeſſes, and thinks important: for if he do not think them important, it is moſt likely, I ſuppoſe, in general, that the world will not be troubled with them. If there are any miniſters of religion ſupported by the ſtate,

ſtate, or any others, who conceive ſuch ſentiments to be erroneous; they may, and ought to, attempt the confutation of them. I am ſure, the ſtate, having beſtowed public endowments on thoſe miniſters of religion, who profeſs the ſentiments which it approves, hath done all it can do, with the leaſt ſhadow of juſtice, for ſupporting its own opinions. * If

* "The only juſt, reaſonable and honourable "conception of human eſtabliſhments of religion, is "that of PROVISIONS made by the governors of "a ſtate, for advancing the knowledge and practice "of religion and virtue. According to this idea, "they ſtand on the ſame baſis, and may properly "be referred to the ſame general rank, with all pub-"lic inſtitutions for the cultivation of the minds, "and improvement of the morals of men: only, "when well conſtructed, incomparably ſuperior to "them all, in weight, influence, and dignity. "They are in our own country, if I may be al-"lowed the expreſſion, (in which I am ſure not the "moſt diſtant thought of diſreſpect to our eccle-"ſiaſtical eſtabliſhment is admitted) they are, I ſay, "INCORPORATIONS by the legiſlature for the propa-"gation of the goſpel at home; and, by a wiſe

"proſecution

If it prohibits all public inſtruction by thoſe who maintain any different opinions,

" proſecution of the ends of them, may be productive of ſingular benefits to the preſent and future intereſts of men. But then, conſidered in this light, I apprehend they cannot be deemed LAWS for the whole COMMUNITY, and univerſally binding on the members of it, but endowments in favour of thoſe who comply with the terms of them, and ſubmit to the regulations enjoined by them. As human appointments, they may be examined, and have any defects attending them calmly pointed out, and methods for the improvement of them may be laudably ſuggeſted. Whatever political neceſſities may in ſome caſes have given riſe to proviſions to the contrary, in themſelves they muſt certainly be alterable: and as it is a principle, in all well conſtituted governments, that no particular inſtitutions erected by them, ſhould contradict thoſe primary maxims, by which all civil ſocieties ought to be guided; ſo it muſt be further allowed, that eſtabliſhments of religion themſelves ſhould be regulated with a religious regard to theſe maxims. Proceeding now upon theſe data, it will be eaſy to arrive at the proper concluſion. For if, in all human ſocieties, the religious rights of all men ought to

" be

nions, it both violates the genuine principles of Toleration, and goes beyond the bounds of its juriſdiction.

It is generally admitted, that religion is not to be controuled by the Magiſtrate, as far as it is a principle exiſting in the mind; and that he is not to ſearch out concealed errors, in order to puniſh them; but ſhould allow all perſons to enjoy their own ſentiments. Yet it does not follow from hence, it is ſaid, that he is

" be preſerved to them inviolable; if it be a maxim " too certain to be denied and too important to be " given up, that every man, in the choice of his " religion, is to conſider himſelf as accountable to " God, and bound to worſhip him according to " HIS will, and not according to the commandment " of men; if theſe are truths, it can be no difficulty " to diſcern, that all forcible methods of bringing " perſons to comply with religious eſtabliſhments " are abſolutely unwarrantable. No encroachments " on the native original rights of men, to procure " them a more extenſive reception, can be juſtified. " Perſuaſion alone is the inſtrument by which they " ſhould gain ground." *Enquiry into the Principles of Toleration, p.* 26, *et ſeq.*

not

not to controul the actions which flow from thoſe principles.

I am ready to admit, that if thoſe actions are real injuries to Society at large, or to any individuals, the Magiſtrate ſhould controul, and puniſh them; becauſe he is the conſervator of the rights of all his ſubjects. But, if they are merely of a religious nature, I then aſſert, that he is not to controul them. For if we do not include in the idea of toleration, that the Magiſtrate is not to coerce, or controul, by temporal penalties, any merely religious profeſſion, reaſoning or action; we may boaſt, in theory, of maintaining toleration, but, in practice, we deſtroy it altogether. If religious liberty is confined to inward ſentiments, and does not comprehend the actions which flow from them, I mean thoſe which are not injurious to ſociety; it then amounts only to this futile notion, that the Magiſtrate is to tolerate what, while it is concealed, he hath no power over.

But,

But, in order to obtain a poſitive proof of that right of public profeſſion and public inſtruction, which I am pleading for, as belonging to all good ſubjects, though of very different religious opinions; I aſk, whether the dictates of conſcience, and a ſenſe of duty, may not induce men to worſhip God publickly? May not induce ſome to give, and others to attend on, religious inſtructions? And if ſo, it is plain, this can be done by ſuch perſons in no other way than they think acceptable to God, agreeable to truth, and conducive to their future happineſs? On what pretence, then, is the magiſtrate in ſuch caſes to interfere, and reſtrain them by pains and penalties from ſo doing; unleſs ſomething more than mere religion, I mean the ſafety of the State, is concerned?

That I have not made an extravagant ſuppoſition, in preſuming, that conſcience may lead men to the actions I have juſt mentioned, perſons of religion and virtue will eaſily apprehend. I would not be underſtood therefore, as ſpeaking now to merely

merely political men, but to thoſe who join *religion* with politics; to whom, conſequently, it would be injurious to ſuppoſe, they have not always the ſtricteſt regard to conſcience. They will tell us, that we are obliged to the performance of public worſhip, to diſcover our veneration of the Deity, and uphold it, by our example at leaſt, in the world around us; that we are obliged to promote truth, virtue and happineſs among men, according to our ability and opportunity; eſpecially among our children and dependants; and among thoſe, who deſire and encourage us to aſſiſt them in the knowledge and practice of religion. And they know, that this cannot be done by any in a way contrary to the dictates of their own conſciences.

They will alſo inform us, that thoſe men of undiſſembled piety, and inflexible virtue, who have in any ages riſen up, and been inſtruments in the hand of God of reforming both the church and the world, delivering them in many inſtan-

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ces from worſe than Egyptian darkneſs, by the light of their inſtruction and their example, have done this on a principle of conſcience, often in oppoſition to human laws, and human terrors; and are worthy of the higheſt honour for ſo doing. Far be it from me, to compare the perſons, whoſe cauſe I am now pleading, with thoſe great men; or the preſent occaſion, with ſuch great occaſions. All I mean is, that perſons, uſed to reflection, will eaſily perceive, that the principle, which vindicates thoſe renowned inſtructors of mankind, will apply in a proportionable degree to an inferior, but ſimilar, caſe; and that it is not poſſible to maintain the rectitude of their conduct, in endeavouring to enlighten whole nations and kingdoms, but upon the ſame principles, which will vindicate any perſon in attempting to inſtruct a ſmall neighbourhood, who deſire his ſervices: *They* have a right to aſk them, *he* hath a right to give them; and both are injured, if

their reſpective rights are defeated by penal laws.

Thus, I think, it appears, that Toleration cannot be compleat; nor the natural inherent rights of mankind, with reſpect to religion, be preſerved inviolate; and maintained in that degree, in which it is the duty of the Magiſtrate to maintain them; if every good ſubject be not allowed a full liberty of profeſſing his own religion, and every religious Society permitted to worſhip God, and to be inſtructed by perſons whom they ſhall chooſe, under the ſecurity of law; provided nothing be done by the teacher, or his hearers, contrary to the rightful authority of the Magiſtrate, and the ſafety of the State. For this reaſon, the worſhip, and the inſtruction, ſhould be public, that all may have an opportunity of ſeeing, and hearing, what paſſes. Now it is, in my judgment, a very groundleſs imagination, that ſuch public places of divine worſhip, and religious inſtruction, are likely to be theatres of ſeditious diſcourſes,

courſes, or ſeditious actions. And why ſhould a more vigilant and ſuſpicious eye be fixed upon them, than upon private clubs, ſocial meetings, or public lectures for philoſophy, ſcience or politics? Theſe, which are generally held by a more ſelect company, and in a more private manner, are, on theſe accounts, more liable to be abuſed for bad purpoſes. There have been a few inſtances, it muſt be owned, of public diſturbances, after having grown to a head from other ſources, being augmented and inflamed by, what Hudibras calls, the *drum eccleſiaſtic:* but That, I will venture to ſay, was not the original cauſe of them; for, to continue the alluſion to the poet, that drum is never *beat with a fiſt*, till another kind of drum hath been beat with a ſtick; or in other words, there is nothing which any ſettled government hath to fear from the pulpit; becauſe, That government muſt, from other cauſes, be firſt overtopped by ſome State party, before any of its eccleſiaſtical partiſans, if it have any, can

venture to inveigh againſt it ſo publickly. And how, then, is a caſe to be provided for by law, which cannot happen, till the law itſelf, being ſet aſide by violence, hath no longer any effect? *

But

* I hope in God never to ſee the day, when violence ſhall in this country take place of law: not that I think there is any probability of it. As for the Diſſenters, I am ſure, ever ſince they have been freed from perſecution, they have diſcovered themſelves to be as peaceable and well-diſpoſed ſubjects as any in the kingdom. Individuals among them, as well as among the members of the eſtabliſhed Church, have not always entertained the ſame opinion concerning particular meaſures, or men; but ſurely ſuch individuals ſhould be allowed to follow their own judgments on ſuch occaſions, as well as other Britiſh ſubjects. I will venture to ſay of the Diſſenters in general, that they are enemies to licentiouſneſs in every ſhape, and lovers of order, law, and liberty; and I am perſuaded, ſhould any remarkable criſis ever ariſe, to put their loyalty to the proof, they will be found to be, upon principle, among the firmeſt friends of the amiable Prince now on the throne, as they were in the year 1745, of his venerable predeceſſor; for they eſteem the proteſtant ſucceſſion in the preſent illuſtrious family to be the grand ſupport of our conſtitution, laws and liberties. And all their miniſters now aſk of the Legiſlature, is,

But ſuppoſing, improbable as the ſuppoſition is, that a tolerated public preacher poſſibly may preach ſedition, or treaſon; I ſhould be glad to know, how the requiſition of ſubſcription to ſpeculative articles of doctrine can prevent it, or be any ſecurity to the ſtate. Oaths to the government indeed, ſuch as the oath of allegiance, * which is inconſiſtent with all fifth-monarchy principles; and the oath of ſupremacy, † which is alike incon-

is, that they may be under the *legal protection* of their Sovereign, and be ſecured by that conſtitution, and by thoſe laws.

* The Oath of Allegiance is: "I A. B. do ſincerely promiſe and ſwear, that I will be faithful, and bear true allegiance to his Majeſty King George the Third. So help me God."

† The Oath of Supremacy runs in theſe words: "I A. B. do ſwear, that I do from my heart abhor, deteſt and abjure, as impious and heretical, that damnable doctrine and poſition, *that princes excommunicated or deprived by the Pope, or any authority of the See of Rome, may be depoſed or murdered by their ſubjects or any other whatſoever.*

inconſiſtent with any foreign juriſdiction, may be a ſecurity to the ſtate: and to theſe no one can object. But a declaration of believing controverted religious articles, can, in its own nature, be none. So that whether any ſuch declaration, or ſubſcription, be required by law, or not; I think, the

"*ever*. And I do declare, that no foreign prince, "perſon, prelate, ſtate or potentate, hath or ought "to have any power, juriſdiction, ſuperiority, pre-"eminence or authority, eccleſiaſtical or ſpiritual, "within this realm. So help me God." This is the oath of ſupremacy, as it hath ſtood ſince the Revolution. When my worthy friend Dr. Williams ſaith, in his Serious and earneſt addreſs to thoſe who oppoſed the Diſſenting Miniſters application to Parliament, p. 29, that Diſſenters cannot ſubſcribe to the oath of ſupremacy, except in a qualified ſenſe; he did not attend, as he deſires me to inform the world, to the diſtinction between the old, and the new, oath of ſupremacy. What he ſaith is true only of the former; as for the latter, with which alone the Diſſenters are now concerned, he acknowledges that neither he, nor, as he conceives, any other Diſſenter, *can poſſibly* have any objection to it.

ſafety

ſafety of the ſtate is not at all intereſted in, or affected by it.

If, indeed, the ſole ground, on which the Magiſtrate injoins ſubſcription to ſuch articles, be this; that, after he hath eſtabliſhed a particular mode of religion, and provided for its ſupport by law and by revenue, he thinks himſelf authorized further, to enact, or continue, penal laws on thoſe public teachers who will not ſubſcribe his ſtandard of doctrine, in order to prevent even the poſſibility of their teaching any ſentiments different from his own; I ſay, if he apprehends himſelf authorized to do this, I would fain be informed, upon what principle we can maintain, that the Jewiſh rulers did wrong, in attempting to ſuppreſs the teaching of the chriſtian religion; or that the Apoſtles did right, in diſobeying their injunctions: upon what principle we can plead for liberty of preaching Chriſtianity under a Mahometan government, or the Proteſtant religion under a Popiſh: upon what principle we can do

this, which will not warrant the liberty of profeſſing and teaching any religion, conſiſtent with the public ſafety, under a Chriſtian and a Proteſtant government? Reaſon and argument are the only methods, which God hath appointed, and which, in their own nature, are calculated, for the propagation of true religion; and its miniſters are to make their appeal, concerning the evidence and truth of its doctrines, to every man's own conſcience. Who, then, inveſted the Magiſtrate with authority, to prevent any of his ſubjects from making that appeal; or any others of them, from attending to it? Who gave him a warrant, to bind down the whole body of his people by law, to give, or receive, no public inſtructions reſpecting religion, except according to the ideas which he ſhall happen to entertain, and eſtabliſh? Or, who conferred on the majority (if the caſe is to be ſo ſtated) the right of decreeing a religion for the reſt? Though the majority, in conjunction with the Magiſtrate, do make pro-

viſion

viſion for the ſupport of public worſhip, and public inſtruction, according to their model of religious ſentiment; yet from what law of God, or of nature, from what principle of humanity, or of policy, do they derive a right over the conſciences of thoſe of their fellow-ſubjects, who differ with them in judgment: a right of telling them, they ſhall have none to exerciſe any offices of religion, and to give them any public inſtruction, who will not firſt ſubſcribe the ſentiments of the ſaid majority?

Some perſons talk with much ſeeming liberality of the right of private judgment, who yet, by the reſtrictions which they at laſt throw in, appear to mean nothing more by it than that judgment, which is to be *kept private*, and to be locked up in a man's own boſom. For, though they will allow him the right of private judgment, they will not allow him to publiſh that judgment, with the reaſons and grounds of it, to others. But ſuch a toleration amounts to nothing

more, than that they will not extort his ſentiments from him by torture; for while they ſuffer him to be ſilent, it is not in their power to deprive him of the right of thinking; the only private judgment, which they are willing to grant him.

All intelligent writers on the ſubject of toleration underſtand by a man's *private* judgment, his *perſonal* judgment, in oppoſition to the judgment of others; and by his *right* of *private* judgment, his right to follow, or be directed by, his judgment as the guide of his actions; or, in other words, to do all, which that judgment leads him to do, as far as is conſiſtent with the rights of others; of individuals, or of the community at large. Now, if I worſhip God according to the dictates of my own conſcience; and give, or receive, ſuch religious inſtructions, as I judge moſt agreeable to reaſon and ſcripture, and conſequently moſt conducive to my own, or others edification; how does that prevent my neighbour

neighbour from doing the ſame; or the Magiſtrate from encouraging, if he is ſo inclined, thoſe ſentiments which are agreeable to his judgment: or how does it injure either the one, or the other, in any of their reſpective rights? Why, then, muſt I be obſtructed in any acts, which are the reſult of my judgment and conſcience, when they do not interfere with any rights or claims of other men, either Magiſtrates or ſubjects? He, who does not allow me my private judgment in the extent here pleaded for, does not allow it me in any ſenſe worthy of a rational agent, whoſe reaſon was given him to be the guide of his actions, eſpecially in matters of religion; in any ſenſe, worthy of a Chriſtian, a Proteſtant, an inhabitant of a Free Country; who, in all theſe views, is, or ought to be, maſter of his own conduct, when no injury is thereby done to others, no public or private right invaded.

Again, the right of public inſtruction in matters of religion, is, in my opinion, a cer-

a certain conſequence of the right of private judgment; on ſuppoſition we underſtand by the latter, merely a man's right of judging for himſelf. For, if a man is to judge, in this, as in all other caſes, he is not to be debarred from the beſt means of informing his judgment. He cannot be ſaid to be compleatly allowed the right of private judgment, who is precluded from being inſtructed in the nature and grounds of religion, by thoſe, whom he thinks qualified to give him information; or in other words, from uſing thoſe means, which ſhall appear to him beſt calculated for his inſtruction: and I know no authority any one hath to controul his choice, or dictate to him what teachers he ſhall, or ſhall not, attend; provided neither he, nor they, are chargeable with any crimes, of which the Magiſtrate can take cognizance.

Public inſtruction is, to the bulk of mankind, the principal means of religious information: cut them off from That, or let it be limited to the path marked

marked out by the majority, or by the power which happens to be uppermoſt in every country; and the generality will have very little opportunity of knowledge; and will, it is probable, acquieſce contentedly in that religion, which is the reſult of faſhionable, or eſtabliſhed ſuperſtition and abſurdity. It is owing to the genuine doctrines of Chriſtianity and Proteſtantiſm not being allowed to be promulgated in Popiſh countries, that their inhabitants remain, in general, perfectly ſatisfied in the belief and practice of ſuch enormities, as would ſhock an enlightened heathen. If things are upon a better footing in our own country, it is to be aſcribed to the ſpirit of enquiry, and to the degree of freedom with reſpect to public profeſſion, and public inſtruction, both from the pulpit, and the preſs, which the lenity and moderation of the times, more than the law, have allowed, and which the bigottry of a few hath not been able to ſuppreſs. But ſhould not then the law,

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and the manners, of every age and country breathe the ſame ſpirit, and ſpeak the ſame language?

As for Chriſtianity and Proteſtantiſm, they appeal to reaſon, they invite enquiry, they claim to be heard for themſelves, and are as ready to hear what can be ſaid againſt their reaſonings and arguments; and they allow to all perſons, the right of judging and determining, upon the merits of every religious queſtion for themſelves. But can thoſe perſons be ſaid to have it in their power to form an adequate and impartial judgment, upon any queſtion, who are permitted to hear the evidence relating to it only *ex parte*, on one ſide? Does not the Magiſtrate, in this caſe, judge for his ſubjects, inſtead of allowing them to judge for themſelves? Certainly, there is a cloſer connection between the unalienable right, which every man hath, of chooſing his own religion, and the free and unreſtrained liberty of public inſtruction, than is ſometimes imagined. Pre-

tending to leave a man free liberty of choice, and debarring him at the ſame time, in any meaſure, from the means of choice, is, in my humble opinion, little leſs than a contradiction in terms.

I have already ſaid, that it is the glory of Chriſtianity, that it appeals to men's underſtandings and conſciences; that it needs no human power, no penal laws, for its ſupport; that it requires not of any Chriſtian Magiſtrate the ſuppreſſion, in its own favour, of any other religion whatſoever. And ſhould any ſuch Magiſtrate, by penal laws, prohibit the public profeſſion, or teaching, of any particular ſpecies or mode of the chriſtian religion, in places of public worſhip, appropriated to the uſe of its profeſſors; it deſerves to be conſidered, upon what principles his conduct can be vindicated, which will not alike vindicate a Mahometan, or heathen Magiſtrate, in prohibiting the Chriſtian religion in every form. If the judgment and conſcience of the Magiſtrate are to be the ſtandard,

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the conſequence will inevitably be as fatal to the Chriſtian religion in general, in one country; as to any particular mode of the Chriſtian religion, or even as to the Mahometan or Pagan religion, in another.

SECT.

SECT. IV.

A Diſtinction conſidered, made by the Author of the Letter to the Proteſtant Diſſenting Miniſters, between Diſcipline and Doctrine; as if a difference from the Eſtabliſhed Church, in the former had a rightful claim to Toleration; but not a difference in the latter.

THE author of the Letter to the Proteſtant Diſſenting Miniſters inſinuates, as I have already obſerved, that there is a diſtinction to be made, with regard to Toleration, between doctrine and diſcipline; that, though the latter is admitted to be the object of Toleration, yet the former is not. Nevertheleſs, the reaſoning in the preceding pages will, I preſume, be ſufficient to make it apparent, that this is a very extraordinary and ungrounded ſuggeſtion. There is no argument, which I have there produced; nor is there any ſolid argument, as I appre-

hend, which can be produced, drawn from the nature of religion, or from the origin, and ends of civil government, in favour of toleration in general; which does not conclude as ſtrongly for the toleration of thoſe who differ in point of religious doctrine, as of thoſe who differ in point of religious diſcipline; toleration being limited only by the ſafety of the ſtate, which is not at all affected by, or intereſted in, any merely religious doctrines whatſoever. That the Toleration Act, as it now ſtands, does not tolerate Diſſenting Miniſters, with regard to any difference from the articles of the Church of England, in point of doctrine, is indeed true. But the aſſigning this in anſwer to an application for an enlargement of the Toleration Act, is really alledging the exiſtence of a grievance, as a reaſon for the continuance of it. In ſhort, it amounts to this extraordinary declaration: it *is*, *therefore* it *ſhall* be. If indeed, the preſent ſtate of Toleration in this kingdom is pleaded,

as an evidence only, of the ſentiments of thoſe who framed the Act, or of the Legiſlature who paſſed it, concerning the extent and limit of Toleration in general; I think, it is abundantly clear from the act itſelf, that it was never their idea, that Toleration ought to be reſtrained to diſcipline only. For in the caſe of the Quakers, the articles are entirely laid aſide; a declaration is, indeed, required in the room of them; but then it was added to the bill in the houſe of Commons,* upon the voluntary offer, as Mr. Locke informs us,† of the Quakers themſelves *(malo exemplo,* ſaith he, *quod cordiatiores valdè dolent;)* it having come down from the Lords without any declaration at all. It is plain, therefore, that no ſuch idea then prevailed, that toleration was to be confined to diſcipline only; or if it had, the ſole queſtion ſhould now be, whether it be a juſt, and reaſonable idea.

* This appears by the Journals.

† Letter to Limborch, 6 Jun. 1689. Locke's works, vol. iii. p. 582.

I ſhould be glad, the Gentlemen, who inſiſt upon this diſtinction, would preſent the world with one argument for toleration, concluſive in the caſe of thoſe who differ from eſtabliſhed forms in point of diſcipline, and not concluſive in the caſe of thoſe who differ from them in point of doctrine. I think, among all the ſtrange paradoxes, which this prolific age hath brought forth, ſuch an argument would be no ſmall curioſity.

If this diſtinction between diſcipline and doctrine, and their different claims to Toleration, can be ſupported; it will be a juſt and natural conſequence, that the Remonſtrants in Holland (whoſe ſentiments, I believe, prevail for the moſt part among the Clergy of the Church of England) have no title in reaſon to a toleration; for they differ from the national Church there, not in diſcipline, not in forms of worſhip, but in doctrine only.

I apprehend, the point I have been now conſidering, muſt appear ſo plain to readers

readers of common underſtanding, that an apology may be thought needful for having ſaid ſo much upon it. Indeed, in a general argument for Toleration, I am ſenſible, it would have deſerved no regard. But ſeeming, ſuch as it is, to be fabricated for a particular occaſion; it did not, in my judgment, appear wholly improper, with a view to the ſame occaſion, to pay it ſome little degree of attention.

SECT. V.

A legal Toleration of a ſuppoſed erroneous religion, not, properly ſpeaking, an encouragement of ſuch a religion.

FOR the Magiſtrate legally to tolerate, or take under the protection of the law, the teaching of a religion which he doth not approve, is by ſome perſons ſuppoſed to be giving too great an encouragement to ſuch a religion. Whereas it is not, properly ſpeaking, encouraging it at all. It is only leaving it in that ſtate in which it was, before any penal laws were enacted againſt it; and in which it ought to have been left. It is only repealing iniquitous and oppreſſive laws, and thereby providing, that ſuch a religion ſhall not be perſecuted; which it ought not to be, whether it be true, or whether it be falſe. Indeed, there is nothing determined concerning the truth or falſhood of ſuch a religion,

or

or any of its doctrines, merely becauſe its profeſſors and miniſters are not permitted to be puniſhed by temporal penalties.

The Magiſtrate encourages that ſyſtem, and thoſe principles, of religion, for the ſupport of whoſe public miniſters, he makes proviſion by endowments and revenues. But, ſtrictly ſpeaking, he only permits what he tolerates. And the language of that protection, which the law annexes to ſuch permiſſion, is merely this; that the ſubject ſhall not perſecute thoſe, whom the Magiſtrate is determined not to perſecute. A law of Toleration, therefore, amounts only to the rendering of that legal, which was before rendered, (not by the law of nature, or of God, but by a poſitive law, made in oppoſition to the law of God) illegal. This hath been ſtiled by a great authority, eſtabliſhing; but it was ſo ſtiled in reſpect only of legal protection, not of endowment, or poſitive encouragement. The truth is, the protection of law reſtores ſuch perſons to a legal ca-

pacity; and whatever are their apprehended miſtakes in religion, theſe are conſidered as innocent in the eye of the law; or rather, as not objects of penal law, as not controulable by it, as the ſame great man expreſſed it; and therefore, provided they are errors, they are errors of that kind, to which the law hath no reſpect. But then, though, for the reaſon I have juſt aſſigned, they are conſidered as not ſubject to penalty; they are not encouraged and rewarded, as if they were meritorious.

In ſhort, there could never be the leaſt occaſion for an act of toleration, were it not for the ſake of undoing what ought not to have been done; repealing, or at leaſt, rendering ineffectual to the perſons tolerated, penal laws, which ought not to have been enacted. The language of toleration is, that a particular religious profeſſion, conſiſtent with the public ſafety, though it be erroneous, ought not to be perſecuted, ought not to be ſuppreſſed by the

the ſword of the Magiſtrate, or by the violence of the people.

So that on the whole, the granting of toleration to any who are expoſed to penal laws, (and provided they are not ſo expoſed, they will ſtand in no need of ſuch a grant) is not doing an act, which is a mark of favour to ſuch perſons, or which is to be conſidered as an encouragement to any ſuppoſed errors, with which they are chargeable: it is merely doing an act of juſtice, by leaving them in poſſeſſion of that right of chooſing, profeſſing, being inſtructed, and inſtructing others in religion, which they derive from nature; which all men poſſeſs independent of each other, and for the exerciſe of which they are alone accountable to the only ſupreme Lord, and infallible Judge of conſcience.

SECT.

SECT. VI.

The education of children and youth in the way, and by the perſons, moſt agreeable to their parents, ſhewn to be an eſſential branch of Toleration.

THAT the education of children ſhould be under the direction of their parents; and that the perſons, therefore, whom they employ for that purpoſe, ſhould be under the protection of law in the execution of their truſt (always ſuppoſing they are good ſubjects) is an eſſential branch of toleration. It was an obſervation of the excellent Biſhop Fleetwood, with reſpect to the famous ſchiſm bill; "That, if to "deprive parents of the right of edu-"cating their children, in the way they "thought beſt, was not perſecution; he "knew not what was: and that the "way to judge of ſuch matters was to "bring the caſe home to ourſelves;

"and

" and to ſuppoſe, that others believe " themſelves to be in the right, as " much as we do." * If this rule were duly attended to, very few, in ſuch caſes, would form a wrong judgment.

Some perſons, I am aware, have pleaded for a code of education eſtabliſhed by law, and for putting the inſtruction of children under the direction of the Magiſtrate.

But ſhould the execution of this viſionary ſcheme ever be attempted, I am perſuaded, it will be found, like many other ſchemes, which are refined beyond nature and the preſent ſtate of ſociety, to be attended with unſpeakably greater inconveniences, and much fewer advantages, than leaving this matter in the hands, where God and nature ſeem to have placed it. Not to obſerve, that it could not fail of meeting with univerſal oppoſition, from thoſe who are parents; who, whatever might be their opinion in the

* See preface to Biſhop Fleetwood's works, p. 10.

caſe

caſe of others, or conſidering the affair merely in ſpeculation, would have their judgments directed right by their feelings; when the caſe came to be their own, and when the *heart* was conſulted. I believe it would then be their ſentiment, as I am perſuaded it will be the ſentiment of every one, who, according to the good biſhop's advice, places himſelf in the circumſtances of ſuch parents; that, when they are deprived of the right of educating their children in the way they beſt approve, they are deprived of a right founded in nature, and in parental affection; by which they are conſtituted their children's guardians, and entitled to ſuperintend and direct their education during their minority: that they are accordingly deprived of one of thoſe intereſting and important rights of humanity, which could their conſent have been aſked previous to, and as a condition of their becoming members of ſociety, they never could, either in reaſon or in affection, have thought of reſign-

ing: one of thoſe rights, therefore, in which they may expect to be ſecured, inſtead of being diveſted of it, by entering into civil connections; and eſpecially in this country, the conſtitution of whoſe government preſerves too ſacred a regard to men's natural rights, to permit their being in any meaſure broken in upon, unleſs for the greateſt, apparent, public good; but not to gratify the weak ſuſpicions, and wild and arbitrary ſuggeſtions, of a ſpirit of bigotry, or the refined and precarious ideas of imaginary improvement. All experiments upon the rights of nature, which tend to try people's attachment to them, and how far they are diſpoſed to part with, or to maintain them, are injudicious, often dangerous. However that be; as to the caſe before us, provided we have any concern for, any attachment to, real religion, or to that particular mode of it, which we profeſs, we ſhall eſteem the preceding reaſoning ſtill ſtronger; in reſpect, I mean, to that religious

ligious education, which it is every parent's duty to give his children; but which he cannot, and ought not to give them in a way and mode, either as to ſentiment or practice, which his own judgment and conſcience condemn.

Indeed, theſe ſentiments at this time ſo generally prevail among us; that I believe few are to be found, who will plead *in terminis* for taking the education, the religious education eſpecially, of children, out of the hands of their parents. The laws of ſociety have put the condition of children, and their future proſpects in life, ſo much in the power of their parents; that this furniſhes a very ſtrong reaſon, for their having the direction of that education, by which their children are to be qualified for thoſe particular ſtations, for which their parents intend them.

Beſides, in their very early days they muſt be under their parents care, being totally dependent upon them, ſupported by them, and endeared to them by a thouſand

thouſand tender offices; from them therefore, they muſt receive their firſt impreſſions, their earlieſt education: and ſhall not the parents be permitted to compleat that education, which they have begun? Shall the children be taken out of their hands, or from under their direction, and put into theirs, whom they may not approve; by whom the impreſſions which they have endeavoured to make upon their tender minds, will be eradicated, and thoſe of a nature and tendency, contrary perhaps to the judgment of the parent be inſtilled? The parent, it will be ſaid, may be wrong in his judgment. Very true; but that, in the good biſhop's opinion, whom I before quoted, will make no difference in the caſe, while he believes himſelf to be in the right: the inhumanity, and the injuſtice, will be the ſame.

If parents then, are to have the direction of their children's education, it ſeems to follow, that they are to be intruſted with the appointment of ſuch inſtructors,

inſtructors, as will diſcharge their duty, in the way moſt agreeable to their judgment and inclination. I have heard it indeed ſaid, that parents have a right to educate their children in their own ſentiments, provided they will do it themſelves; but they have no right for that purpoſe to employ others; no right to ſend them to any ſchoolmaſters or tutors, except to ſuch as are publicly authorized by the Magiſtrate, and adhere to the eſtabliſhed religion. But on what ground will the Gentlemen, who thus argue, be able to ſhew, that it can be lawful for any man, to educate his children himſelf in thoſe very principles, in which for others to educate them on his account, and at his deſire, would be unlawful? Surely common ſenſe tells us, that it muſt be lawful for both, thus circumſtanced, or for neither. For it ſhould be obſerved, that the right of the parent lies, not in being allowed to educate his children himſelf, but in having them educated according to his own ſentiments;

timents; and for the law to deny him the power of having this done by others, is allowing him the right in words, but depriving him, in moſt caſes, of a poſſibility of uſing it. I add, that as I take the parent, for the reaſons I have aſſigned, to have by nature the direction of his children's education; with him it muſt lie, to appoint the perſon or perſons to be employed in that ſervice: and if any penal laws, eſpecially on a religious account, defeat that appointment, no ſmall injury is in my apprehenſion done, both to the maſter, and to the parent.

I ſay, to the maſter: for there is a right, which he hath to employ himſelf in the buſineſs of education, as well as in any other buſineſs, of which he is not lightly to be deprived; becauſe no man's natural right and liberty are to be any further reſtrained by the laws of ſociety, than is really neceſſary for the public good. Now, with regard to what is taught in the generality of ſchools; I ſee not, why a man of any particular re-

ligious profeſſion may not be employed in teaching it, with as much propriety and utility, as a man of another religious profeſſion; and without any danger, or even inconvenience, to the public. Reading, Writing, Merchants accounts, the Languages, Geography, ſome parts of the Mathematics, of Aſtronomy, and of ſome other branches of Natural Philoſophy, make up the articles in which children and youth are inſtructed in the generality of ſchools. And to deprive a man of teaching theſe articles, merely on a religious account! how can it be reconciled with any juſt idea of toleration? any more than if he were, upon the ſame account, to be deprived of the liberty of exerciſing any particular trade, carrying on any particular manufacture, or any particular branch of foreign commerce.

Is it then objected, that a maſter, of a different religious profeſſion from that by law eſtabliſhed, may poſſibly form young and tender minds to his own ſentiments, before they are capable of judging

ing for themſelves? That is matter of conſideration with the parents, with whom it lies to direct the children's education. If they chooſe to place them with ſuch a maſter, that they may be educated in the ſame religious profeſſion with himſelf, thoſe who would prevent it, invade their undoubted right. For, being the natural guardians of their children, an attention to the affair of their education becomes their peculiar duty; and accordingly, in reaſon and equity, they have full as much right to place their children under that inſtruction which they approve, as to attend on ſuch inſtruction themſelves.

If indeed, for the ſake of a near or convenient ſituation, or any other reaſon, parents chooſe to place their children with maſters of a different religious profeſſion from themſelves; (which is not often the caſe; yet when it is,) it is their own act; and if they ſuffer their children to be made proſelytes, it is their own fault; for attempts of this nature

cannot be long a ſecret to them; and if they are frequent and common, cannot be a ſecret to any body. However, there is in reality no likelihood ſuch attempts will be made. For not to obſerve, that ſchool-maſters in general, of whatever religious profeſſion, ſeldom have ſo much indiſcreet zeal, or ſo little attention to their intereſt, as to run the riſque of the parents diſpleaſure, by attempting ſchemes of proſelytiſm; to ſay the truth, they have very little opportunity for it. If the children reſide with their parents, and only attend ſchool occaſionally, there can then be little danger of this nature. If they are placed under the maſter's immediate care in his own houſe, ſome attention to their religion and morals may be conſidered as part of his duty; but, in this caſe, it is natural to ſuppoſe, what is generally the fact, that thoſe perſons who can afford to be at the expence of paying for their children's board, as well as inſtruction, will ſend them to thoſe maſters, who are of the

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ſame religious profeſſion with themſelves. If there are any exceptions, they are likely to be, for the moſt part, in favour of thoſe maſters who attend the eſtabliſhed religion of any country; and I believe in fact it happens among us, without entering at preſent into the cauſes of it, that more of thoſe perſons, who diſſent from the eſtabliſhed religion, ſend their children to ſchools kept by maſters, who profeſs that religion, than on the reverſe. And thus it will be in the natural courſe of things, in this as in other inſtances, while they are upon a liberal and generous footing; but reſtraints either upon parents or maſters, contrary to the genius and ſpirit of toleration and religious liberty, would have a quite contrary effect; and therefore be as impolitic, as unjuſt.

SECT.

SECT. VII.

Toleration proved to imply more than a ſtate of connivance; namely, a ſtate of legal ſecurity and protection.

ANOTHER remark which I would make is, that connivance ought not by any means to be conſidered as amounting to toleration. For toleration is founded in this principle, that mere religion is not a ſubject of judicial cognizance. Conſcience, in the memorable aphoriſm of a diſtinguiſhed ornament of the law, to which I have frequently alluded, is not controulable by human laws, nor amenable to human tribunals. And religious errors, not affecting mens ſocial and civil conduct, ſhould not be puniſhed by the magiſtrate; and conſequently, thoſe who hold them ſhould not be *liable* to puniſhment: and while there is a legal poſſibility of their being puniſhed for any merely religious opini-

ons, they are not in that ſtate in which they ought to be; and in which by the law of nature, and the law of God, it was intended they ſhould be. The very enacting penal laws, which have for their object religious doctrines as ſuch, goes beyond, as I conceive I have clearly ſhewn, the limits of legiſlative authority. No legiſlature can have a right to make, or continue, ſuch laws, as, on principles of humanity and juſtice, ought not; and conſiſtently with the nature of religion, and the ſacred rights of conſcience, cannot be executed. I think it may deſerve conſideration, therefore, with thoſe whoſe character leads us to conclude, that moral rectitude is the firſt object of their attention, and the regulator of all their actions, how far voluntarily contributing to the continuance of ſuch laws is perfectly innocent; how far it is warrantable to impower the Magiſtrate, or any other members of the community, who are ſo inclined, to do under the ſanction of human laws, what by the law of God they

ought

ought not to do. What is this, but ſetting up the authority of poſitive law, againſt the rights of nature, againſt the divine law? For it ſhould be obſerved, that toleration is not founded in the forbearance of the Magiſtrate, but in the right of the ſubject. The Magiſtrate may forbear, and connive, in thoſe caſes, in which he hath a right to puniſh; but in thoſe caſes, in which he hath no right to puniſh, there aſſuredly ſhould be no law to enable him to puniſh. If it be in itſelf right, that the ſubject ſhould be connived at, and not puniſhed, (I do not mean, if it be politically right, on account of the bad conſequences which ſuch puniſhment may occaſion; but if it be right in itſelf, as in the preſent caſe I have proved it is,) that the ſubject ſhould not be puniſhed; it is then certainly right, that he ſhould have more than the Magiſtrate's, and his fellow-ſubjects connivance; he ſhould have the ſecurity of law, that *no wrong* ſhall be done him by the actual infliction of ſuch puniſhment.

Further,

Further, it ſhould be conſidered, that connivance is, on this account, far ſhort of toleration; that the language of toleration is, that a man ſhall not *in any degree* be puniſhed for the exerciſe of his religion. But to an innocent man, it is *ſome degree* of puniſhment, and a degree which will be moſt felt by an ingenuous mind, to be in ſo diſgraceful and dangerous a ſituation as to be liable to puniſhment; to know that it is in the power of others to take his liberty and property from him at pleaſure. I beg to be excuſed, if I ſay, that thoſe who can be contented to hold innocent or unoffending ſubjects (as an honourable Gentleman ſtiles the Papiſts, and as I think proper to ſtile the Proteſtant Diſſenters) in the humiliating and perilous circumſtance of diſcretion, and at mercy, have no reaſon to applaud themſelves, to ſay the leaſt, on their generoſity and magnanimity.

Again, the connivance of the Magiſtrate does, in no wiſe, come up to the import of the doctrine of toleration; be-

cauſe the ſum of that doctrine is, that no penal laws ſhould be *enacted*, which have religion for their object. There can never, therefore, be a juſt and compleat toleration, till either thoſe laws are repealed, or till every ſubject, chargeable with no crime, differing only in religious opinion from the public ſtandard, is exempted from proſecution in conſequence of them. The very exiſtence of ſuch laws, even though from adventitious cauſes they ſhould happen not to be executed, is an infringement of real and genuine toleration; and eſpecially ſo, when ſuch laws leave innocent ſubjects at the mercy, not of the Magiſtrate only, but of all their fellow-ſubjects; and in caſe of a proſecution from any of them, out of the protection, not merely of the law, but of the Magiſtrate alſo. It is not, in my opinion, eaſy to produce a greater abuſe of words, than when ſuch connivance is ſtiled toleration; for if toleration, in reaſon, or in the ideas of the legiſlature, when the preſent toleration

act

act was enacted, means any thing, it means, that ample ſecurity which every good ſubject hath a right to expect; not from the circumſtances of the times, not from the temper of the public, not from the mercy of every individual member of the community; but, from that only ſolid baſis of the liberty and property of every Britiſh ſubject, the conſtitution and the laws of his country.

FINIS.